REMARKS

Counsel for the applicants wishes to thank the examiner for the courtesy shown in the telephone interview on January 23, 2009. The following incorporates the required summary of matters discussed at the interview.

Claims 73-94 are pending. Claims 93 and 94 are new. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim Rejections – 35 U.S.C. 101

Claim 82 stands rejected under 35 U.S.C. 101 as being drawn to a "program per se." Claim 82 has been amended to be directed to statutory subject matter. Support for the wording "memory medium" is located in paragraph [0179] ("their operations are described by a computer language and read into a CPU or stored in such a memory medium as an optical disc, or hard disc and the like.") Amended claim 82 is in Beauregard format; case law and practice at the USPTO for a number of years is that a "Beauregard" claim is statutory subject matter. In view of amended claim 82, the examiner is respectfully requested to withdraw the rejection.

The other claims are believed to not raise any issues under new guidelines for 35 U.S.C. 101. For example, in claim 73, the "recognition unit" is disclosed as receiving input through a microphone into a speech recognition unit (page 10, lines 13-15). See also claim 83.

Claim Rejections – 35 U.S.C. 112(1)

Claims 86-88 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In view of the amended claims, the applicants respectfully request withdrawal of the rejection.

Support for the amended wording of "used words" and "response times of the user" is in original claims 3 ("an evaluation unit for evaluating a dialog between said user and system under a prescribed criterion and determining whether or not to continue said dialog"), claim 4 ("said evaluation unit evaluates a consistency of said dialog"), and claim 6 ("said prescribed criterion is

at least one of ... a probability of using a word, ... a time lapse for a response from said user, ...").

In view of the above amendments and comments, the examiner is respectfully requested to reconsider and withdraw the rejection.

Rejections under 35 USC 102(b) and 103(a)

Claims 73, 82, 83 and 90 were rejected under 35 USC 102(b) as being anticipated by JP 06269534, to Ishibashi ("Ishibashi"). Claims 74, 84-89, 91 and 92 were rejected under 35 USC 103(a) as being unpatentable over Ishibashi in view of JP 2001-190830, to Miyasato ("Miyasato"). Claims 75-81 were rejected under 35 USC 103(a)as being unpatentable over Ishibashi in view of Miyasato, further in view of JP 2000-61137 to Kurita ("Kurita").

(1) Independent Claims Compared to Ishibashi

Amended claim 73 recites, in combination, for example:

- "a determining unit that **determines whether a user error occurs in the user's input**, the user error representing that the user's input includes a word or phrase that does not meet the predetermined rule in response to the previous output by the computer system."

- "a selection unit that **selects a phrase or word to be used to continue the currently running interactive dialog when the user error occurs in the user's input**."

- "the predetermined rule being defined for a word chain game, the predetermined rule comprising: that the user and the computer system alternate to output a word or phrase which has an initial letter or letters identical with the final letter or letters of the immediately previous output word."

Specifically, if a user inputs a word or phrase in a currently running interactive dialog that is incorrect with respect to a previous output of the computer system while playing a word chain game, Ishibashi's computer system always recognizes that the user's input is incorrect and

thereby terminates the currently running interactive dialog. This causes the user to always lose the word chain game, which can offend the user.

In amended claim 73, in comparison, even if the user's input includes the user error, it is possible to continue the currently running interactive dialog. This achieves an effect of interrupting the currently running interactive dialog. If the currently running interactive dialog is carried out for a word chain game, the configuration of amended claim 73 achieves an effect that the user is prevented from losing the word chain game, so that the user does not get offended. Support for the amendment is located in the specification, e.g., page 5, line 17 to page 6, line 4.

As pointed out in the telephone interview, Ishibashi fails to teach or suggest these limitations since the error is treated as noise (paragraph [7]) and Ishibashi does not try to continue the currently running interactive dialog. Furthermore, the other references fail to remedy such deficiencies. Hence, Ishibashi, alone or in combination with the other references, fails to teach or suggest the combination of features recited in current independent claim 73, when considered as a whole.

Also, amended independent claims 73, 82 and 83 all have the above similar limitations and are believed to be patentable over the references for the reasons provided above. Furthermore, with respect to the rejected dependent claims, applicants respectfully submit that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

(2) Dependent Claim 80 Compared to Ishibashi and the Other References

Amended dependent claim 80 recites, in combination, for example:

- "the predetermined rule further including: the output word or phrase has not been used since the beginning of each of interactive dialogs including the currently running interactive dialog for the word chain game, and the output word or phrase does not end with particular predetermined letters" **in combination with**:
- "the selecting unit being configured to select a phrase or word to be used to terminate the currently running interactive dialog irrespective of the determination of whether the user error occurs in the user's input, thus **resulting in a user's win**

in the word chain game, the selected word or phrase having been used since the beginning of the currently running interactive dialog for the word chain game or ending with the particular predetermined letters."

Ishibashi's computer system always outputs a correct answer in response to a user's input in a word chain game. Thus, the answer meets a rule for the word chain game. This is the reason that Ishibashi's system never loses the word chain game, which frustrates the user.

In amended claim 80, in comparison, the selecting unit selects a word or phrase used to terminate the currently running interactive dialog as recited above, thus resulting in the user winning. The word or phrase which is selected does not meet the rule for the word chain game, i.e., it was used since the beginning of the currently running interactive dialog, or it ends with the predetermined letters. In other words, the recited computer system purposely loses the currently running interactive dialog in the word chain game, thus causing the user to win. Consequently, the user is much more satisfied with the game.

Ishibashi, Miyasato, and/or Kurita, alone or in combination, fail to teach or suggest this combination of limitations. Hence, claim 80 is believed to be patentable over the references for the reasons.

(3) Dependent Claim 93 Compared to Ishibashi

New claim 93 recites, in combination, for example:

- "when it is determined that the user error occurs in the user's input, the selection unit estimates an impression of the user's input based on at least one previous interactive dialog for the word chain game, **allows the user error** based on the estimated impression of the user's input, and selects the phrase or the word to be used to continue the currently running interactive dialog."

This feature is supported on, for example, pages 13-24 of the specification, and FIG. 5, and more particularly paragraphs [0091]-[0092].

As a result, even if it is determined that the user's input was erroneous, the computer system allows the user error and selects the phrase or the word to be used to continue the

currently running interactive dialog. In operation, if the system actually misunderstood the user's input, the user can then indicate their victory. This increases the user's satisfaction with the game.

Ishibashi's system, to the contrary, would indicate that the user lost once it determined that the user's input was erroneous, even if the Ishibashi's system actually misunderstood the user's input.

Ishibashi, Miyasato, and/or Kurita, alone or in combination, fail to teach or suggest this combination of limitations. Hence, claim 93 is believed to be patentable over the references for the reasons. Also, claim 93 depends from claim 80 and is believed to be patentable for the reasons provide above.

(4) Dependent Claim 94 Compared to Ishibashi

New claim 94 recites, in combination, for example:

- "the recognition unit recognizes the user's input representing what the user says in response to the previous output by the computer system in the currently running interactive dialog, understands what the user says from the user's input by referring to the dictionary stored in the data base, and ***estimates an impression of the user based on a response time of the user's input*** in response to the previous output by the computer system in the currently running interactive dialog, the response time being defined as a time period from a time when the computer system has outputted a word or phrase as the previous output in response to a previous user's input to a further time when the user's input is received by the computer system" and

- "wherein the selection unit selects, based on the ***estimated impression***, a phrase or a word to be used to continue the currently running interactive dialog in response to the user's input."

This feature is supported on, for example, pages 38-39 of the specification, and FIG. 12, and more particularly paragraphs [0174]-[0177].

In new claim 94, the selection unit selects, based on the estimated impression, a phrase or word to be used to continue the currently running interactive dialog. For example, when the response time for the answer "May be, apple" in response to the question, e.g., "What is your facorite food?" is slow (FIG. 12, step S310), the computer system estimates that the impression of the user is ambiguous. Thus, the computer system selects, as its response to the user, something ambiguous such as "Really like apple?". Also, when the response time of the answer "May be, apple" in response to that question is rapid (FIG. 12, step 310), the computer system estimates that the user believes they are corrected, using an emphatic and sympathetic response, e.g., "you do like apple, don't you?". As a result, the claimed invention can appropriate select a response to the user by matching the selected response with the estimated user's impression. This increases the user's satisfaction with the currently running interactive dialog.

Ishibashi's system, to the contrary, does not use the response time to estimate the user's impression.

Hence, Ishibashi, alone or in combination with the other references, fails to teach or suggest the combination of features recited in new claim 94, when considered as a whole. Also, claim 94 depends from claim 73 and is believed to be patentable for that additional reason.

Dependent Claims

With respect to the other rejected dependent claims, applicants respectfully submit that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

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